

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TZVI WEISS, *et al.*

Plaintiffs,

- against -

NATIONAL WESTMINSTER BANK PLC,

Defendant.
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STIPULATION
AND ORDER

05-cv-4622 (CPS) (MDG)

NATAN APPLEBAUM, *et al.*,

Plaintiffs,

-against-

NATIONAL WESTMINSTER BANK PLC,

Defendant.
----- X

07-cv-916 (CPS) (MDG)

STIPULATION AND ORDER

Plaintiffs, by and through their counsel, and Defendant, by and through its counsel, hereby stipulate as follows:

WHEREAS, Defendant objected based upon United Kingdom bank secrecy restrictions to the production of certain information requested by the Weiss Plaintiffs, including under the principles of banker-client confidentiality under English law articulated in Tournier v. National Provincial and Union Bank of England, [1924] 1 KB 461 (C.A.), and its progeny;

WHEREAS, the Court overruled Defendant's bank secrecy objections in its May 14, 2007 Memorandum and Order with respect to certain of Plaintiffs' requests;

WHEREAS, pursuant to Plaintiffs' requests Defendant has produced the document bates-stamped NW 008399 through NW 008411 in redacted form, omitting based upon banker-client confidentiality principles the name and account information of an individual customer and the names of other entities that were not identified in Plaintiffs' complaints or in Plaintiffs' responses to Defendant's interrogatories;

WHEREAS, the Court directed in its September 26, 2008 Minute Order that Defendant produce certain documents in response to Plaintiffs' final list of subject entities and persons that Plaintiffs served on Defendant on November 13, 2008;

WHEREAS, based upon the Court's May 14, 2007 and September 26, 2008 Orders, Defendant is required to produce to Plaintiffs a version of the document bates-stamped NW 008399 through NW 008411 without redaction of the name of the subject customer and any entities identified in the list Plaintiffs served on Defendant on November 13, 2008;

WHEREAS, Defendant preserves its objection to the production of such information in light of the principles of banker-client confidentiality under English law articulated in Tournier, but recognizes that the Court has required Defendant to produce the information Plaintiffs now seek;

NOW, THEREFORE, it is hereby stipulated that Defendant will produce to Plaintiffs a new version of the document bates-stamped NW 008399 through NW 008411, without redaction of the name of the subject customer, or the names of any entities identified on Plaintiffs' November 13 list.

This stipulation does not serve as a waiver of Plaintiffs' right to challenge any other of Defendant's redactions in this document, or Defendant's right to oppose any such challenge.

Dated: December 2, 2008

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Counsel for the Weiss Plaintiffs

SO ORDERED:

Dated: _____

Marilyn D. Go (U.S.M.J.)